

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ASHLEIGH MASON, DAN MORSE, RYAN  
CARROLL, OSAGIE EHIGIE, TRAVIS  
STREETER, on behalf of themselves and all others  
similarly-situated,

Plaintiffs,

-against-

LUMBER LIQUIDATORS, INC.

Defendant.

Civil Action No.:17-CV-4780(MKB)(RLM)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS TO  
DEFENDANT LUMBER LIQUIDATORS, INC.**

PLEASE TAKE NOTICE THAT pursuant to the Federal Rules of Civil Procedure 36, Plaintiffs request that Defendant respond to the following Requests for Admissions within thirty days of service hereof at the office of Plaintiffs' attorneys, Justin R. Marino, Stevenson Marino LLP, 105 Maxess Road, Suite 124, Melville, New York 11747.

**DEFINITIONS**

A. **Defendant, "You," "Your," and "Yourself"** refers to Lumber Liquidators, Inc., to whom these Requests are directed and any of its officers, directors, shareholders, employees, consultants, agents or attorneys.

B. **"Regarding," "relating to" or "pertaining to,"** when used with respect to a document, agreement, subject or fact, means embodying, containing, evidencing, reflecting, reciting, recording, supporting, refuting or referring to.

**REQUESTS FOR ADMISSIONS**

**Jason Burns**

REQUEST NO. 1) Admit that Jason Burns worked as a Store Manager for Defendant.

REQUEST NO. 2) Admit that Jason Burns, during his tenure as a Store Manager, physically cleaned the store himself.

REQUEST NO. 3) Admit that Jason Burns, during his tenure as a Store Manager, operated the cash register himself to facilitate customers' purchases.

REQUEST NO. 4) Admit that Jason Burns, during his tenure as a Store Manager, physically stocked displays himself.

REQUEST NO. 5) Admit that Jason Burns, during his tenure as a Store Manager, physically built displays himself.

REQUEST NO. 6) Admit that Jason Burns, during his tenure as a Store Manager, physically unpacked boxes himself.

REQUEST NO. 7) Admit that Jason Burns, during his tenure as a Store Manager, physically unloaded freight himself.

REQUEST NO. 8) Admit that Jason Burns, during his tenure as a Store Manager, physically cleaned displays himself.

REQUEST NO. 9) Admit that Jason Burns, during his tenure as a Store Manager, physically cleaned shelves himself.

REQUEST NO. 10) Admit that Jason Burns, during his tenure as a Store Manager, physically cleaned the bathroom himself.

REQUEST NO. 11) Admit that Jason Burns, during his tenure as a Store Manager, physically organized the store according to Defendant's detailed corporate directives.

REQUEST NO. 12) Admit that Jason Burns, during his tenure as a Store Manager, provided customer service to customers.

REQUEST NO. 13) Admit that Jason Burns, during his tenure as a Store Manager, physically put up and took down signs.

REQUEST NO. 14) Admit that Jason Burns, during his tenure as a Store Manager, physically created signs.

REQUEST NO. 15) Admit that Jason Burns, during his tenure as a Store Manager, physically took out the garbage.

REQUEST NO. 16) Admit that Jason Burns, during his tenure as a Store Manager, made cold-calls in an effort to obtain additional sales.

REQUEST NO. 17) Admit that Jason Burns, during his tenure as a Store Manager, on average, worked in excess of 50 hours per week (excluding weeks where there were holidays, sick days, or vacation days).

REQUEST NO. 18) Admit that Jason Burns, during his tenure as a Store Manager, on average, worked in excess of 55 hours per week (excluding weeks where there were holidays, sick days, or vacation days).

REQUEST NO. 19) Admit that Jason Burns, during his tenure as a Store Manager, on average, worked in excess of 60 hours per week (excluding weeks where there were holidays, sick days, or vacation days).

REQUEST NO. 20) Admit that Jason Burns, during his tenure as a Store Manager, on average, worked in excess of 65 hours per week (excluding weeks where there were holidays, sick days, or vacation days).

REQUEST NO. 21) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 55 hours in a workweek.

REQUEST NO. 22) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 60 hours in a workweek.

REQUEST NO. 23) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 65 hours in a workweek.

REQUEST NO. 24) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 70 hours in a workweek.

REQUEST NO. 25) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 75 hours in a workweek.

REQUEST NO. 26) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 80 hours in a workweek.

REQUEST NO. 27) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 85 hours in a workweek.

REQUEST NO. 28) Admit that Jason Burns, during his tenure as a Store Manager, worked more than 90 hours in a workweek.

REQUEST NO. 29) Admit that Jason Burns, during his tenure as a Store Manager, was directed by his supervisor to work at or in excess of 50 hours per work week.

REQUEST NO. 30) Admit that Jason Burns, during his tenure as a Store Manager, had at least one workweek where there were less than two full-time employees that worked a total of 80 hours per week.

REQUEST NO. 31) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 50% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading

freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 32) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 60% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 33) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 70% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 34) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 80% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 35) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 85% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 36) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 90% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

REQUEST NO. 37) Admit that Jason Burns, during his tenure as a Store Manager, spent at least one workweek where he spent more than 95% of his time performing physical tasks, such as cleaning, operating the register, stocking displays, building displays, unpacking boxes, unloading freight, cleaning the store, changing prices, providing customers services, collective/removing garbage.

Frank Caracciolo

REQUEST NO. 38) Admit that Frank Caracciolo worked as a Store Manager for Defendant.

REQUEST NO. 39) Admit that Frank Caracciolo, during his tenure as a Store Manager, physically cleaned the store himself.

REQUEST NO. 40) Admit that Frank Caracciolo, during his tenure as a Store Manager, operated the cash register himself to facilitate customers' purchases.

REQUEST NO. 41) Admit that Frank Caracciolo, during his tenure as a Store Manager,